PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No. 8424
	)	
Mark J. COOPER *et al.*	)	Group Art Unit: 1633
	)	
Serial No. 10/ 656,192	)	Examiner: Long, Scott
	)	
Filed: September 08, 2003	)	Docket No. 003659.00029
	)	
For: **Lyophilizable and Enhanced Compacted Nucleic Acids**	)	

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Commissioner of Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Notification of Non-Compliant Appeal Brief mailed July 2, 2009. The Appeal Brief was non-compliant for failure to state which claims were involved in the appeal. A substitute page 2 is provided to rectify this oversight. Please charge any necessary fee to Deposit Account No. 19-0733.

Consideration of the Appeal Brief is requested.

Respectfully submitted,

Date: July 15, 2009

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RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-5, 8-14, 17-19, 26, 28, 30-31, 34-35, 38-40, 51-55, 58-70, 73-82, 103-104, 106-107, 114-115, and 122 are pending and appealed. Claims 6-7, 15-16, 20-25, 27, 29, 32-33, 36-37, 41-50, 56-57, 71-72, 83-102, 105, 108-113, 116-121, and 123 are cancelled.[1]

STATUS OF AMENDMENTS AFTER FINAL REJECTION

No amendments were filed after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1

A composition is provided which contains complexes of a nucleic acid molecule and one or more polycation molecules. (Page 3, line 13-14). The complexes have particular properties and they are made by a particular method. The properties of the complexes include:

- unaggregated (page 2, line 15-16);
- rod-shaped (when visualized by transmission electron microscopy) (page 7, line 27-29);
- 10-20 nm diameter (when visualized by transmission electron microscopy) (page 16, line 1-2);

[1] All pending claims are rejected. A restriction and election of species has focused the examination on the species: acetate counterion, cDNA nucleic acid molecule, and CK15-60P10 polycation. CK15-60P10 is a polyamino acid polymer of one N-terminal cysteine and 15-60 lysine residues, with a molecule of polyethylene glycol having an average molecular weight of